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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,325	11/03/2000	Juan M. Zapata	P-LJ 4453	6212

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EXAMINER

CANELLA, KAREN A

ART UNIT	PAPER NUMBER
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1642

DATE MAILED: 03/27/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/706,325

Applicant(s)
Zapata et al

Examiner
Karen Canella

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1642



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above, claim(s) 1-7, 12-45, and 47-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11, 46, and 68-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.
2. Claims 8, 9, 11, 46 and 68-73 have been amended. Claims 74-83 have been added. Claims 1-83 are pending. Claims 1-7, 12-45, 47-67, drawn to non-elected inventions, remain withdrawn from consideration. Claims 8-11, 46, 68-83 are under consideration.
3. Claim 69 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 68. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). The genus of antibodies encompassed by claims 68 and 69 appears to be identical; the modulation of the association of a TPBD with a TNF family receptor, TRAF protein or a TRAF associated protein would be inherent properties of the antibodies of claim 68.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
5. Claims 8-11, 46, 68, 69, 70, 72-74, 75, 79, 81, 82, 83 rejected under 35 U.S.C. 102(e) as being anticipated by Rosen et al (Pub No US 2002/0044941).

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Claim 8 is drawn to an antibody having specific reactivity to SEQ ID NO:19. Claim 9 specifies that the antibody of claims 8 or 74 is monoclonal. Claim 9 specifies that the antibody of claims 8 or 74 is polyclonal. Claim 46 is drawn in part to a therapeutic composition comprising an antibody having specific reactivity to SEQ ID NO:20 or 24. Claim 68 is drawn in part to an isolated antibody having specific reactivity to SEQ ID NO:20 or 24. Claim 69 specifies that the antibody with specific activity to SEQ ID NO:20 or 24 must modulate the association of a TPBD with a TNF family receptor, TRAF protein or a TRAF-associated protein. Claim 70 is drawn to the isolated antibody of claim 69 wherein said TNF family receptor is TNF-R2, said TRAF protein is TRAF6 and said TRAF-associated protein is I-TRAF. Claim 72 embodies the antibody of claim 69 wherein said antibody inhibits the association of said TPBD with said TNF family receptor, TRAF protein or a TRAF-associated protein. Claim 73 embodies the antibody of claim 69 wherein said antibody increases the association of said TPBD with said TNF family receptor, TRAF protein or a TRAF-associated protein. Claim 74 embodies the antibody of claim 8 wherein the antibody has a specific reactivity for SEQ ID NO:20. Claim 75 is drawn in part to an antibody having a specific reactivity with SEQ ID NO:24. Claim 79 embodies the antibody of claim 75 wherein the antibody binds to SEQ ID NO:24. Claim 81 embodies the antibody of claim 75 wherein the antibody is monoclonal. Claim 83 specifies that the antibody of claim 75 is polyclonal.

Rosen et al discloses antibodies which bind to residues 44 to 175 of SEQ ID NO:24. Rosen et al discloses preferred epitopes of the peptide which are useful to raise antibodies which bind to said epitopes (page 94, in the table of listing 783510 and page 101, line 0111 to page 102, line 0117). Rosen et al specifically disclose the epitope of 71-76 which is a species of SEQ ID NO:20. Antibodies raised to the preferred epitopes of Gly-71 to Leu-76; Asn-83 to Asp-93, lys-121 to Arg-132 and Val 17 to Trp-142 of the disclosed SEQ ID NO:624 would specifically bind SEQ ID NO:19. Rosen et al disclose both monoclonal and polyclonal antibodies and hybridoma cell line (page 108, 0164 and page 110, 0178). Rosen et al disclose that the antibodies prevent

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ligand binding to receptors as well as antibodies which activate the receptor. The specification teaches that SEQ ID NO:24 binds to TRAF6, thus, the antibodies disclosed by Rosen et al would have the inherent properties as claim 70, drawn to TRAF6.

Claims 76, 77, 78 and 80 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. All other rejections and objections as set forth or maintained in Paper No. 11 are withdrawn.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Canella whose telephone number is (703) 308-8362. The examiner can normally be reached on Monday through Friday from 8:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached on (703) 308-3995. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.


Karen A. Canella, Ph.D.

Patent Examiner, Group 1642

March 23, 2003